

The Gazette



of India

PUBLISHED BY AUTHORITY

NEW DELHI, SATURDAY, FEBRUARY 19, 1949

©P Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V

Bills introduced in the Constituent Assembly of India (Legislative), Reports of Select Committees presented to the Constituent Assembly of India (Legislative) and Bills published under Rule 39 of the Constituent Assembly (Legislative) Rules of Procedure and Conduct of Business.

GOVERNMENT OF INDIA

CONSTITUENT ASSEMBLY OF INDIA (LEGISLATIVE)

The following Bill was introduced in the Constituent Assembly of India, (Legislative) on the 11th February, 1949:—

A. BILL No. 12 of 1949

A Bill further to amend the Societies Registration Act, 1860.

WHEREAS it is expedient further to amend the Societies Registration Act, 1860 (XXI of 1860) for the purposes hereinafter appearing;

It is hereby enacted as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Societies Registration (Amendment) Act, 1949.

(2) It extends to all the Provinces of India and the Acceding States.

(3) It shall come into force at once.

2. Insertion of new section 4A in Act XXI of 1860.—After section 4 of the Societies Registration Act, 1860 (XXI of 1860) (hereinafter referred to as the said Act) the following section shall be inserted, namely:—

“4A. Changes in managing body and rules to be filed.—(1) Together with the list mentioned in section 4 there shall be sent to the Registrar a statement showing all changes of officers made by the society during the year to which the list relates and also a copy of the rules of the society corrected upto the date of the dispatch thereof to the Registrar.

(2) A copy of every alteration made in the rules of the society shall be sent to the Registrar within fifteen days of the making of such alteration.”

3. Insertion of new sections 21 and 22 in Act XXI of 1860.—After section 20 of the said Act the following sections shall be inserted, namely:—

“21. Penalty for non-compliance of section 4 or making a false entry.—(1) The President, Secretary or any other authorised person of society who fails to comply with the provisions of Section 4 shall be punished with fine which may extend to five hundred rupees;

and in the event of a continuing default shall be punished with an additional fine which may extend to fifty rupees for every day after the first during which the default continues.

(2) Any person who wilfully makes or causes to be made any false entry in, or any omission from, the list required by Section 4 or in or from any copy of rules or of alterations of rules sent to the Registrar under section 4A or in or from any statement referred to in section 4A, shall be punished with fine which may extend to two thousand rupees.

22. Cognizance of offences.—No court inferior to that of a Magistrate of the First class shall try any offence under this Act.”

STATEMENT OF OBJECTS AND REASONS

It has come to notice that several charitable societies send fraudulent statements to the Registrar and as section 4 of the Societies Registration Act, 1860, does not specifically lay down the requirements, section 4A is proposed which lays down that every society shall maintain rules and any changes made should be notified to the Registrar. At present names of governors or executive officers are not sent correctly. Due to lacuna in Section 4, in some cases wrong names have been communicated by the authority to the Registrar.

As no penal clause is provided in the Act, the Bill seeks to empower the court to punish an offending person who violates any provision of the law, particularly section 4; hence new section 21. In the Indian Companies Act, 1913 and in the Indian Trade Unions Act, 1926 strict provisions are made regarding the submission of returns of the Company and the Union respectively and that no changes in the rules are allowed unless the Registrar is duly informed and a penal clause is laid down. The Bill seeks to rectify the omission and bring the law in conformity with the provisions of similar other Acts.

R. K. SIDHIVA.

The following Bill was introduced in the Constituent Assembly of India, (Legislative) on the 14th February, 1949:—

A. BILL NO. 18 OF 1949

A Bill to amend the Rubber (Production and Marketing) Act, 1947.

WHEREAS it is expedient to amend the Rubber (Production and Marketing) Act, 1947 (XXIV of 1947), for the purpose hereinafter appearing;

It is hereby enacted as follows:—

1. Short title.—This Act may be called the Rubber (Production and Marketing) Amendment Act, 1949.

2. Amendment of section 4, Act XXIV of 1947.—In section 4 of the Rubber (Production and Marketing) Act, 1947, after clause (j) of sub-section (3), the following clause shall be inserted, namely:—

“(jj) three persons representing labour, to be nominated by the Central Government;”.

STATEMENT OF OBJECTS AND REASONS

The Indian Rubber Board, constituted under the Rubber (Production and Marketing) Act, 1947, does not include any representative of labour at present. It consists of 28 members, of whom 10 represent rubber Growers, 8 rubber manufacturers, 1 rubber dealers and the rest the Central Government and the

Governments of Madras, Travancore and Cochin. Since the Government have recognised the desirability and the necessity of improving the conditions of plantation labour in this country, it is necessary that labour is given representation on the Board.

2. The question regarding the number of representatives to be nominated on the Board and the method of nomination has been considered in consultation with the India Rubber Board and the Ministry of Labour. It is proposed that the Central Government should nominate 8 representatives of labour.

3. The proposed Bill has been designed to achieve this object.

S. P. MOOKERJEE.

NEW DELHI;

The 9th February, 1949.

The following Bill was introduced in the Constituent Assembly of India, (Legislative) on the 16th February 1949:—

A. BILL No. 14 OF 1949

A Bill to amend the Coal Mines Labour Welfare Fund Act, 1947.

WHEREAS it is expedient to amend the Coal Mines Labour Welfare Fund Act, 1947 (XXXII of 1947), for the purpose hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title.**—This Act may be called the Coal Mines Labour Welfare Fund (Amendment) Act, 1949.

2. **Amendment of section 6, Act XXXII of 1947.**—For sub-section (1) of section 6 of the Coal Mines Labour Welfare Fund Act, 1947, the following sub-section shall be substituted, namely:—

“(1) The Central Government shall, by notification in the official Gazette, constitute a Coal Mines Labour Housing Board for the following purposes, namely:—

(a) to prepare and carry out, subject to the previous approval of the Central Government, schemes financed from the housing account of the Fund for the provision of suitable housing accommodation for labour employed in the coal mining industry;

(b) to prepare plans and estimates for, and construct or carry out, such works of erection, maintenance and repair financed from the general welfare account of the Fund as the Central Government may, by general or special order, specify; and

(c) to carry out any other functions assigned to the Housing Board by or under this Act.”

STATEMENT OF OBJECTS AND REASONS

The main function of the Housing Board constituted under the Coal Mines Labour Welfare Fund Act, 1947, is to prepare and carry out approved schemes financed from the housing account of the Fund for the provision of suitable housing accommodation for colliery labour. Various other building works, for

example, central and regional hospitals and maternity and child welfare centres, financed from the general welfare account of the Fund are also under construction, the control of which, it is considered, should be vested with the Housing Board. The Bill provides for this object.

JAGJIVAN RAM.

NEW DELHI;
The 9th February, 1949

The following Bill was introduced in the Constituent Assembly of India, (Legislative) on the 17th February, 1949:—

A. BILL NO. 15 OF 1949

A Bill further to amend the Railways (Transport of Goods) Act, 1947

WHEREAS it is expedient further to amend the Railways (Transport of Goods) Act, 1947 (XII of 1947), for the purpose hereinafter appearing;

It is hereby enacted as follows:—

1. Short title.—This Act may be called the Railways (Transport of Goods) Amendment Act, 1949.

2. Amendment of section 1, Act XII of 1947.—In sub-section (3) of section 1 of the Railways (Transport of Goods) Act, 1947, for the words and figures “26th day of March, 1949” the words and figures “31st day of March, 1950” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Present shortage of certain essential commodities renders necessary the movement of such commodities by rail without delay and in preference to less important movements. The Railways are still not in a position to handle all the traffic offering. Some form of priority control is, therefore, considered to be essential. Unless preferential treatment resulting from the exercise of priority control is protected by means of an express legal provision, it is liable to be challenged as amounting to a contravention of section 42A of the Indian Railways Act, 1890. The Railways (Transport of Goods) Act, 1947, as continued in force by the Railways (Transport of Goods) (Amendment) Act, 1948, expires on the 26th March, 1949 and it is necessary to extend its life up to 31st March, 1950.

N. GOPALASWAMI AYYANGAR.

NEW DELHI;
The 11th February, 1949.

M. N. KAUL,
Secy. to the Govt. of India.